

USDC UT Approved 06/06/00

Revised 11/03/00

United States District Court District of Utah

FILED
CLERK, U.S. DISTRICT COURT
-8 AUG 01 AM 9:47
DISTRICT OF UTAH
DEPUTY CLERK

UNITED STATES OF AMERICA

vs.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Francisco Guadalupe Montana-Felix

aka see list within the document

Case Number: 2:01-CR-00215-001 K

Plaintiff Attorney: William Nixon, AUSA

Defendant Attorney: Carlos Garcia

Atty: CJA ___ Ret ___ FPD ☒

Defendant's Soc. Sec. No.: None

Defendant's Date of Birth: February 7, 1961

August 7, 2001

Date of Imposition of Sentence

Defendant's USM No.: 50901-080

Defendant's Residence Address:

Defendant's Mailing Address:

None

None

Country Mexico

Country Mexico

THE DEFENDANT:

COP 05/29/2001 Verdict

☒ pleaded guilty to count(s)

1 of the Indictment.

☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)Title & Section

8 U.S.C. §1326

Nature of Offense

Illegal Re-entry of Deported Alien

CountNumber(s)

1

Entered on docket

8/9/01 by:

Deputy Clerk

☐ The defendant has been found not guilty on count(s)☐ Count(s) (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

70 months

Upon release from confinement, the defendant shall be placed on supervised release for a term of

36 months

☐ The defendant is placed on Probation for a period of
The defendant shall not illegally possess a controlled substance.

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For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not re-enter the USA illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the USA during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of his arrival in the USA.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

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<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
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Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

ALIASES USED BY THE DEFENDANT

The defendant is also known by the following names: Carlos Montana Felix, Antonio Covarrubias, Antonio Covarrubias Rosas, Javier Torres Lopez, Francisco Montano, Antonio Covarrias, Francisco Montano Felix, antonio Rosas, and Anthony Chacon.

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RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed in a facility in Arizona, preferably FCI Safford or FCI Phoenix, for purposes of family visitation; also that he be given work opportunities and drug rehab treatment.

CUSTODY/SURRENDER

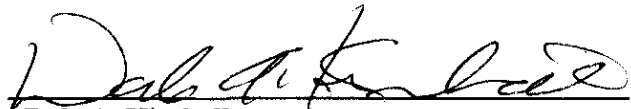
☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

August 8, 2001



Dale A. Kimball

United States District Judge

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RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

ce

United States District Court
for the
District of Utah
August 9, 2001

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:01-cr-00215

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

Mr. William L. Nixon, Esq.
US ATTORNEY'S OFFICE

,
JFAX 9,5245985

Carlos A. Garcia, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
JFAX 9,5244023

US Probation
DISTRICT OF UTAH

,
JFAX 9,5261136

USMS
DISTRICT OF UTAH

,
JFAX 9,5244048